

**MINUTES**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** Chairman John Esp, on March 25, 2009 at 3:10 P.M.,  
in Room 405 Capitol

**ROLL CALL**

**Members Present:**

Sen. John Esp, Chairman (R)  
Sen. Jeff Essmann, Vice Chairman (R)  
Sen. Gregory D. Barkus (R)  
Sen. Ron Erickson (D)  
Sen. Steven Gallus (D)  
Sen. Kim Gillan (D)  
Sen. Verdell Jackson (R)  
Sen. Bruce Tutvedt (R)

**Members Excused:** Sen. Jesse Laslovich (D)

**Members Absent:** None

**Staff Present:** Leanne Heisel, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: None

Executive Action:

<u>TABLED:</u>	<u>DO CONCUR:</u>	<u>DO CONCUR AS AMENDED:</u>
HB 156	HB 420	HB 546
HB 321	HB 495	HB 563
HB 428		

**EXECUTIVE ACTION ON HB 156**

00:02:27 **Motion:** Sen. Gallus moved that **HB 156 BE CONCURRED IN.**

00:02:58 **Substitute Motion/Vote:** Sen. Tutvedt made a substitute motion that **HB 156 BE TABLED.** Substitute motion carried 5-4 by roll call vote with Senators Erickson, Gallus, Gillan, and Laslovich voting no and Senator Laslovich voting by proxy.

**EXECUTIVE ACTION ON HB 546**

00:04:57 **Motion:** Sen. Gallus moved that **HB 546 BE CONCURRED IN.**

00:05:42 **Motion:** Sen. Essmann moved that **HB 546 BE AMENDED.**  
**EXHIBIT**(los66a01)

**Discussion:**

00:05:51 Chairman Esp  
00:06:43 Sen. Gallus  
00:07:53 Chairman Esp  
00:08:26 Sen. Barkus  
00:09:05 Sen. Erickson  
00:09:38 Sen. Gillan  
00:10:26 Leanne Heisel, Legislative Services Division (LSD)  
00:10:49 Sen. Gallus  
00:11:32 Sen. Essmann  
00:12:15 Sen. Gallus

00:12:32 **Vote:** Motion carried 7-2 by voice vote with Senators Gallus and Gillan voting no and Senator Laslovich voting by proxy.

00:13:13 **Motion:** Sen. Erickson moved that **HB 546 BE CONCURRED IN AS AMENDED.**

00:13:24 **Motion:** Sen. Essmann moved that **HB 546 BE AMENDED.**  
**EXHIBIT**(los66a02)

**Discussion:**

00:13:37 Sen. Essmann  
00:14:55 Sen. Barkus  
00:15:03 Sen. Essmann  
00:15:29 Sen. Tutvedt  
00:15:36 Sen. Gallus  
00:15:51 Chairman Esp  
00:16:03 Sen. Barkus

**Discussion: (Con't)**

00:16:32 Sen. Essmann

00:17:08 Sen. Barkus

00:17:36 **Vote:** Motion carried 7-2 by roll call vote with Senators Barkus and Esp voting no and Senator Laslovich voting by proxy.

00:18:25 **Motion/Vote:** Sen. Erickson moved that **HB 546 BE CONCURRED IN AS AMENDED**. Motion carried 5-4 by roll call vote with Senators Barkus, Esp, Gallus, and Tutvedt voting no and Senator Laslovich voting by proxy. Senator Gillan will carry HB 546.

**Committee Business:**

00:21:24 Chairman Esp

**EXECUTIVE ACTION ON HB 321**

00:23:19 **Motion:** Sen. Gillan moved that **HB 321 BE CONCURRED IN**.

**Discussion:**

00:23:50 Chairman Esp

00:24:10 Sen. Tutvedt

00:24:44 Sen. Jackson

00:25:39 Chairman Esp

00:25:47 **Vote:** Motion failed 4-5 by roll call vote with Senators Erickson, Gallus, Gillan, and Laslovich voting aye and Senator Laslovich voting by proxy. Without objection from the committee, Chairman Esp requested that the bill be tabled and the vote reversed.

**EXECUTIVE ACTION ON HB 495**

00:27:07 **Motion:** Sen. Essmann moved that **HB 495 BE CONCURRED IN**.

**Discussion:**

00:27:18 Sen. Essmann

00:27:40 **Vote:** Motion carried 7-2 by roll call vote with Senator Barkus and Esp voting no and Senator Laslovich voting by proxy. Senator Essmann will carry HB 495.

**EXECUTIVE ACTION ON HB 420**

00:28:45 **Motion:** Sen. Erickson moved that **HB 420 BE CONCURRED IN.**

**Discussion:**

00:28:53 Sen. Essmann  
00:29:14 Sen. Erickson  
00:29:57 Sen. Tutvedt  
00:30:07 Chairman Esp  
00:31:19 Sen. Gallus  
00:32:17 Sen. Gillan  
00:33:06 L. Harold Blattie, Montana Association of Counties  
(MACo)  
00:33:57 Leanne Heisel, LSD  
00:34:26 Chairman Esp  
00:35:15 Sen. Barkus  
00:36:08 Sen. Gillan  
00:36:59 Leanne Heisel  
00:37:32 Sen. Jackson  
00:37:44 Sen. Gallus  
00:38:18 Sen. Jackson  
00:38:48 L. Harold Blattie, MACo  
00:38:57 Chairman Esp  
00:39:13 Sen. Jackson  
  
00:39:30 **Vote:** Motion carried 5-4 by roll call vote with  
Senators Barkus, Esp, Essmann, and Tutvedt voting no  
and Senator Laslovich voting by proxy. Senator  
Erickson will carry HB 420. (Chairman held report for  
further action. See minutes of March 27, 2009.)

**EXECUTIVE ACTION ON HB 563**

00:41:34 **Motion:** Sen. Tutvedt moved that **HB 563 BE CONCURRED IN.**

00:42:45 **Motion:** Sen. Essmann moved that **HB 563 BE AMENDED.**  
**EXHIBIT(los66a03)**

**Discussion:**

00:43:32 Sen. Gallus left committee meeting  
00:43:36 Sen. Gillan  
00:43:48 L. Harold Blattie  
00:44:35 Sen. Tutvedt

00:44:44 **Vote:** Motion carried unanimously by voice vote with Senators Laslovich and Gallus voting by proxy.

00:45:07 **Motion:** Sen. Essmann moved that **HB 563 BE AMENDED. EXHIBIT(los66a04)**

**Discussion:**

00:45:18 Sen. Essmann  
00:46:13 Leanne Heisel  
00:46:21 Sen. Barkus  
00:46:32 Leanne Heisel  
00:46:44 Sen. Tutvedt  
00:47:02 Sen. Essmann

00:47:29 **Vote:** Motion carried unanimously by voice vote with Senators Gallus and Laslovich voting by proxy.

00:47:55 **Motion:** Sen. Essmann moved that **HB 563 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:48:23 Chairman Esp  
**EXHIBIT(los66a05)**  
00:49:17 L. Harold Blattie

00:50:48 **Motion/Vote:** Sen. Essmann moved that **HB 563 BE AMENDED.** Motion carried unanimously by voice vote with Senators Gallus and Laslovich voting by proxy. (See Exhibit 5)

00:51:23 **Motion:** Sen. Tutvedt moved that **HB 563 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:51:33 Sen. Gallus returned to committee meeting  
00:51:38 Sen. Gillan  
00:52:24 Sen. Essmann

00:52:56 **Vote:** Motion carried 8-1 by voice vote with Senator Jackson voting no and Senator Laslovich voting by proxy. Senator Laslovich will carry HB 563.

**EXECUTIVE ACTION ON HB 428**

00:54:28 **Motion:** Sen. Erickson moved that **HB 428 BE CONCURRED IN.**

**Discussion:**

00:54:38 Sen. Tutvedt

00:55:02 Chairman Esp

00:56:27 **Substitute Motion/Vote:** Sen. Tutvedt made a substitute motion that **HB 428 BE TABLED**. Substitute motion carried 8-1 by voice vote with Senator Erickson voting no and Senator Laslovich voting by proxy.

**Committee Business:**

00:57:19 Sen. Gallus

00:57:33 Chairman Esp

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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Debra Polhemus, Secretary

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Additional Documents:

**EXHIBIT ([los66aad.pdf](#))**